

4

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June, 1998

B e f o r e

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

Writ Petition No.13063 of 1998

Between:

Karnataka State Road Transport
Corporation,
Central Office, Bangalore-560 027
by its Chief Law Officer.

222 ✓
.. Petitioner

(By Sri K. Lakshminarayana Rao, Adv.)

A n d:

1. H.N. Bangarappa,
C/o T.V. Narayana Murthy,
No.188, 19th Main, IIInd Block,
Banashankari, I Stage,
Bangalore.

2. The Presiding Officer,
Labour Court, Bangalore.

.. Respondents

(By Sri T.V. Narayana Murthy, Adv. for R-1
Sri C. Ramakrishna, HCGP for R-2)

This Writ Petition filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of certiorari or any other writ or order or direction to quash the order dated 1.9.1995 passed by the Labour Court, Bangalore, Annexure- A, in Appln.No.8/92 etc.

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This petition coming on for hearing in 'B' Group this day, the Court made the following:

ORDER

O R D E R

A dispute was raised by the worker regarding the validity of his termination. An award came to be passed on 24-7-1990 in the following manner:

"The II party is directed to reinstate the worker with 50% backwages with consequential benefits and with continuity of service."

The award became enforceable after 30 days of its publication. Subsequent thereto despite the award becoming enforceable it is alleged that the worker was not reinstated within one month thereof. It is alleged that the worker was reinstated only on 6.7.1992.

Thereupon the present application under Section 33(C)(2) of the I.D. Act was made by the worker seeking a direction to pay full wages for the period from 15-2-1980 till 6-7-1992 i.e., the date of reinstatement. He was paid 50% backwages from 15-2-1980 to 6-7-1992. Before the Labour Court the Management filed Annexure-B statement quantifying the amount payable with a memo. In the memo the Management stated thus:

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224

"The Respondent Corporation herewith produces the Memo of Calculation without prejudice to the right to contest calculating the wages of the Applicant as per the Award at 50% for the period from 5.11.1990 to 6.7.1992 the same may be taken on record, in the interest of justice and Equity."

The Labour Court thought it is an admission to pay the balance, 50% more. On the basis of that submission the order in question was passed. The learned Counsel for the Corporation submits that there was no admission by the employer. The grievance is justified. There was no admission made by the employer in the memo filed. Even without admission the employer cannot get away from the liability of paying full backwages from the date of the award becoming enforceable till reinstatement. As and when the award becomes enforceable the Management has to reinstate the worker forthwith. The delay in reinstating the worker should not make the worker suffer. The worker is entitled for full wages on the date on which the award becomes enforceable. If that is so,

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225

the order in question does not call for any interference. The writ petition is dismissed accordingly.

Sd/-
JUDGE



Vb/-